

REMARKS

Independent claim 1 has been amended to more particularly point out that Applicants' invention comprises that the condition data received by the alert system includes a set of coordinates corresponding to an alert area, as described at paragraph 35; that the system controller determines when said vehicle is within the alert area, as described in paragraphs 36 and 43, or if the vehicle is not within the alert area, determines whether the vehicle is approaching the alert area and the distance thereto, as described in paragraphs 36, 45 and 46; and that the alert system provides a condition alert signal, paragraphs 25, 28 and 44.

Independent claims 13 and 22 are similarly amended. In addition, claim 22 has been amended to particularly recite that the alert system is onboard a vehicle, as described at paragraphs 12 and 20.

Dependent claims 9 and 21 are amended to more clearly recite that, in Applicants' alert system and method, the position data preferably also includes a heading direction, as described at paragraph 34.

Claim Rejection under 35 USC § 102(e)

Claim 22 was rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,490,521, issued to Wiener in 2002.

Wiener describes a navigation system 100 that provides routing information and may alert the subscriber if the subscriber becomes lost, col. 3, lines 28-30. Navigation information is compiled by a service provider and transmitted to a subscriber, e.g., a vehicle, col. 1, lines 37-42. The map information that is processed comprises specific coordinate locations corresponding to waypoints along a prescribed route, col. 6, lines 24-28. In contrast, Applicants' system is adapted to be carried out onboard a vehicle or otherwise remote from a service provides such as contemplated by Wiener. Applicants' system receives condition data in the form of a set of coordinates corresponding to an alert area. Nothing in Wiener suggests transmitting to the vehicle a set of coordinates of an alert area. Moreover, in Applicants' system, the controller

determines when the vehicle is approaching and within a predetermined distance of an alert area, and provides a condition alert signal to an indicator to advise the operator. Wiener shows a system based upon points along prescribed route and does not teach or suggest transmitting coordinate information to define an area to permit an onboard system controller to compare vehicle position relative to the area. Thus, Wiener does not teach or suggest Applicants' invention.

Claim 22 is amended to recite that the vehicle alert system is onboard a vehicle, in marked contrast to the remote system in Wiener. The claimed system comprises a condition information receiver that receives a set of coordinates corresponding to an alert area. Wiener contemplates a system that determines a route between the current position and a desired destination, and provides information based upon waypoints along the route. Nothing in Wiener provides coordinate data for an alert area, or more particularly an alert area that is not along the prescribed route. In accordance with claim 22, the system controller provides a condition alert system after determining that the vehicle is approaching the alert area. Wiener does not look to an area and so cannot provide an alert signal except for a hazard along the prescribed route. Moreover, claim 22 calls for a system controller that is electrically coupled to the indicator, whereas Wiener transmits navigation information from a remote service provider. Therefore, Wiener does not show Applicants' invention as set forth in claim 22.

Accordingly, it is respectfully requested that the rejection of claim 22 as anticipated by Wiener be reconsidered and withdrawn, and that the claims be allowed.

Claim Rejection under 35 USC § 103 based upon Wiener and Maxwell et al.

Claims 1-21 and 23-25 were rejected under 35 U.S.C. § 103 as unpatentable over Wiener in view of United States Patent Number 5,636,921, issued to Maxwell et al. in 1997.

For the reasons set forth in response to the rejection of claim 22, Wiener determines a prescribed route based on vehicle position and desired destination, and looks at waypoints along a prescribed route. Wiener does not show a system that receives coordinates for an alert area and determines whether the vehicle is within or close to the alert area.

Moreover, Wiener does not show a system that includes an overriding provision. The

rejection looks to Maxwell et al. to make up the deficiency.

Maxwell et al. describes a system for broadcasting an emergency signal to nearby vehicles, col. 2, lines 21-25. The rejection points to portions of Maxwell et al. at column 5 to say that the emergency signal is sufficient to override signals from local radio stations, and, in one aspect, may even include a remote on/off controller. However, as shown in Fig. 1, the alert merely covers a predetermined range about a transmitter. Nothing in Maxwell et al. shows a condition information receiver that receives coordinates corresponding to an alert area and determines vehicle position relative to the alert area. Thus, even when combined with Wiener, the combination does not show these features of Applicants' invention.

Claim 1 is amended to more clearly point out that Applicants' alert system includes a condition information receiver that receives a set of coordinates corresponding to an alert area so as to allow a system controller to make determinations necessary to generating a condition alert signal. Wiener shows a navigation system that determines a route to a destination and looks at waypoints along the route, but does not contemplate transmitting alert area coordinates to an remote (onboard) alert system. Maxwell describes an emergency broadcast that an emergency vehicle, but utilizes signal strength to alert a region, in marked contrast to the broadcasting of coordinates. Thus, even if combined, the references do not show a condition information receiver for receiving alert area coordinates to allow evaluation of the position relative to the alert area. Still further, the claim calls for a system controller that is part of the alert system and determines whether the position data is within the alert area or, if not, approaching the alert area within a predetermined distance. Nothing in Wiener or Maxwell et al. suggests these features. Therefore, even if combined, they cannot be fairly read to suggest Applicants' invention in claim 1, or in claims 2-12 and 23-24 dependent thereon.

Claim 13 is directed to Applicants' method and is amended to point out that the method includes receiving condition data comprising coordinates for an alert area and determining when the position data is within said alert area or when the vehicle is approaching the alert area within a predetermined distance. As discussed above, Wiener describes a navigation system wherein the remote service provider evaluates a route and does not suggest transmitting alert area coordinates to an onboard system to permit a determination that the alert area is being

approached and is within a predetermined distance. Maxwell broadcasts an emergency signal to override local radio broadcasts, but does not suggest transmitting coordinates. Therefore, the references, even if combined, do not show Applicants' method as set forth in claim 13 or in claims 14-21 and 25 dependent thereon.

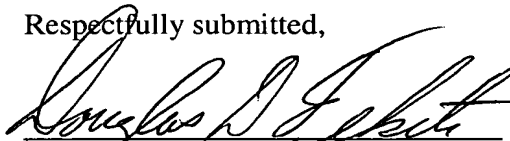
Therefore, it is respectfully requested that the rejection of the claims 1-21 and 23-25 under 35 U.S.C. § 103 be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete

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